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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,593	03/08/2001	Rick Allen Hamilton II	AUS920010026US1	4863

7590 06/04/2004
Robert H. Frantz
P.O. Box 23324
Oklahoma City, OK 73123-2334

EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/801,593	Applicant(s) HAMILTON ET AL.	
	Examiner Adam L Basehoar	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/08/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The Application and IDS filed on 03/08/01.
2. Claims 1-21 are pending in this case. Claims 1, 8, and 15 are independent claims.

Claim Objections

3. Claims 3 and 10 are objected to because of the following informalities: The Examiner feels the claims should be changed to read as follows for clarity: "of at least **one** available interest term on said master checklist." Wherein the correction lies in adding the word "one" to the final limitation of each claim to clarify the grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-8, 10-15, 17, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nazem et al (US: 5,983,227 11/09/99).

Art Unit: 2178

-In regard to independent claims 1, 8, 15, Nazem et al teach a method, system, and computer-readable medium, for a web browser system (Fig. 1: 102) comprising;

- a user display (column 2, 52-55)(Fig. 5A-B);
- a user input device for custom selection (column 2, lines 5-8);
- a persistent storage device (Fig. 1: 206 & 214);
- presenting a plurality of available interest items (columns 4 & 5, lines 27-29 & 38-41) from an interest master list (equivalent to all available/editable interest topics)(Fig. 5: 508 & 512);
- receiving a user selection of an interest item (column 2, lines 5-8); and
- creating a user interest term list containing selected items (Fig. 5A-B).

-In regard to dependent claims 3, 10, and 17, Nazem et al teach user selection of custom interest items (column 2, lines 5-8) wherein the user selection was made from a master interest checklist (equivalent to all available/editable interest topics)(Fig. 5: 508 & 512).

-In regard to dependent claims 4 and 11, Nazem et al teach creating a text file containing selected interest items (column 3, lines 41-42).

-In regard to dependent claims 5, 12, and 19, Nazem et al teach creating a record in a record in a database (column 3, lines 39-40 & 52-55)(Fig. 1 & 2: 116 & 206).

-In regard to dependent claims 6, 13, and 20, Nazem et al teach storing a user interest list in persistent memory local of said web browser system (column 1, lines 47-51).

Art Unit: 2178

-In regard to dependent claims 7, 14, and 21, Nazem et al teach storing a user interest list in persistent memory (Fig. 1 & 2: 116 & 214) on said server system (Fig. 1 & 2: 104) communicable/accessible with said browser system (Fig. 1: 102).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al (US: 5,983,227 11/09/99) in view of Chris Wenham's, "My Yahoo," 11/13/99, <http://web.archive.org/web/19991113100235/http://www.os2ezine.com/v3n11/myyahoo.htm>.

-In regard to dependent claims 2, 9, and 16, Nazem et al teach user selection of custom interest items such as stock quotes, news headlines, sports scores, weather, and the like (Abstract). Nazem et al do not specifically teach wherein the step of selecting a custom interest item requires one or more questions to be answered. Chris Wenham teaches wherein My Yahoo allowed users to answer questions to select interest items (i.e. what sports team are you interested in) (pp. 2: Customization). Thus as shown in Wenham's "My Yahoo", Nazem et al had the selection features as discussed above.

Art Unit: 2178

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al (US: 5,983,227 11/09/99) in view of FOLDOC, "flat file," 01/26/96, <http://wombat.doc.ic.ac.uk/foldoc/foldoc.cgi?query=flat+file>.

-In regard to dependent claim 18, Nazem et al teach creating a text file containing selected interest items (column 3, lines 41-42). Nazem et al do not teach wherein the text file was a flat text file. It would have been obvious to one of ordinary skill in the art at the time of the invention, for Nazem et al to have stored its text file as a flat text file, because FOLDOC teaches that flat files were well known in the art to be more portable between different operating systems which would benefit networked embodiment of Nazem et al. It was also generally well known in the art for flat files to be transferred and worked on very fast because they contained only data with no structural data being stored and thus required no transfer of unnecessary format data.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US: 6,009,410	12/28/99	LeMole et al.
US: 5,933,811	08/03/99	Angles et al.
US: 6,578,025	06/10/03	Pollack et al.

Art Unit: 2178

"NHL Hockey Teams: Interest Item Checklist," 05/24/04

http://e.my.yahoo.com/config/edit_sports?.hier=h_18,root&.src=my&.done=http%3a//my.yahoo.com/p/d.html&.page=p1


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (703) 305-7212.

The examiner can normally be reached on M-F: 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB


STEPHEN SY HONG
PRIMARY EXAMINER